

Remarks

Claims 1–7 and 9–11 are pending in the instant application. The Examiner has required restriction under 35 U.S.C. § 121 and 372 to one of the following groups:

Group I, claim(s) 1–7, 10, and 11 drawn to a material.

Group II, claim(s) 9, drawn to a method of separating.

The Examiner states, “the inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features...”

The Examiner continues, “claim 1 is either obvious or anticipated by the Abstracts each of JP 09-049830, JP 08-103653, JP 07-136505, and JP 07-135957.”

In response, Applicants elect, without traverse, to prosecute the claims of Group I, namely 1–7, 10 and 11. Applicants will cancel the unelected claim 9 as soon as Notice of Allowability of the elected claims is presented.

With regard to the Examiner’s contention of the patentability of claim 1 over the four (4) cited Japanese patent abstracts, inasmuch as a rejection has not been formulated

under these references, Applicants will refrain from commenting on the assertion, except to state that Applicants believe that all claims, including claim 1, are patentable. If the cited references were used as basis of a rejection, Applicants will comment further.

The Examiner has stated, “two election of species are required.” Continuing, “These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.”

In Election I, the Examiner states, “each support, such as agarose or silica, is considered to be distinct species. Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added.”

The Examiner has also stated, under Election II, “Each physical stimulus, such as temperature, is considered to be a distinct species.” Specifically, the Examiner states, “The claims are deemed to correspond to the species listed above in the following manner: For election I, claim 7 is directed to a species. For election II, claim 4 is directed to a species... The species listed above do not relate to a single general inventive concept under PCT Rule 13.1...”

In response, for Election I, Applicants elect the species latex, support for which is found at pages 17–18 of the captioned application. Further, in response to Election II,

Applicants elect temperature change as the physical stimulus; both of these elections are made without traverse. Applicants believe that all elected claims read on these elected species.

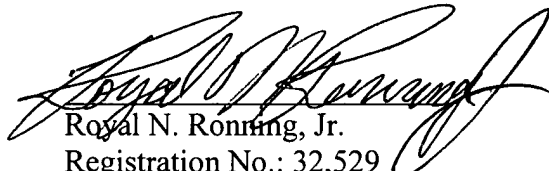
All of the above elections are made without prejudice to the Applicants' right to file divisional applications to the unelected claims and/or species.

The Examiner has also requested copies of the 12 references at page 4 of the instant specification. Copies of those references are included herewith. However, the Okano reference (JP 06-108643), is provided in Japanese only as no English language equivalents are available.

In view of the foregoing, Applicant respectfully asserts the Examiner's rejections cannot be sustained and should be withdrawn. Applicants believes that the elected claims,

as amended, are in allowable form and earnestly solicit the allowance of claims 1-7 and 10-11.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on June 16, 2003.

Signature: 

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